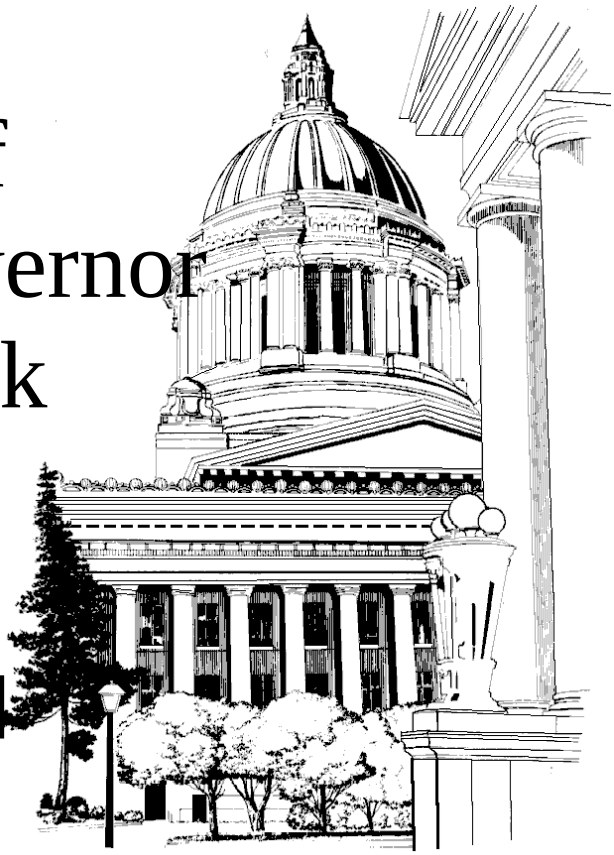
Rulings of Lieutenant Governor Denny Heck



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EDITOR'S NOTES

Please note the following:

1. **Not exclusive.** The body of precedent within is neither conclusive nor exhaustive on every matter. Moreover, not every ruling of Lieutenant Governor Heck is included. Instead, those rulings deemed most relevant and helpful to parliamentary matters were chosen. Where a point had been made by another ruling, similar rulings were excluded. Finally, general "housekeeping" rulings were omitted (i.e., questions as to what measure was presently before the Senate, time for caucus, etc.).

2. **References to the Senate Rules are generally to the Rule in effect at the time.** On most topics, the differences (if any) should be slight. Moreover, "Rule" without any further citation refers to a Senate Rule.

3. **References to *Reed's Parliamentary Rules* are to "Rules."** Technically, *Reed's Parliamentary Rules* is broken into chapters and sections. Because of common use and the confusion of switching between rules and sections, sections are presented as rules. Thus, "Reed's Rule 212" is, to be technically accurate, section 212 of Chapter XIII.

ADVISORY OPINIONS

President Generally Does Not Issue

PARLIAMENTARY INQUIRY

Senator Van De Wege: "Do our rules allow for a bill that has not passed deadlines to be amended to make it NTIB? I believe they do not and that is what I think this amendment is attempting to do."

RULING BY THE PRESIDENT

President Heck: "If I understood the point of inquiry correctly Senator Van De Wege, and I am not entirely convinced I did, it had multiple parts. First of all, the amendment before us is in order. Secondly, if the question is whether or not that would render the bill referenced in the amendment necessary to implement the budget, that bill is not before us, and therefore the President will not rule upon it until such time as it is timely."

(April 1, 2021)

AMENDMENTS

Read in full[1]

MOTION

Senator Fortunato moved that the amendment be read in full.

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Fortunato. The President would just like to point out that in our rules, Rule 64, it reads 'no amendment shall be considered by the Senate until it had been sent to the Secretary's desk in writing and read by the Secretary.' You are within your rights the secretary shall read.

The amendment was read in full.

(April 8, 2023)

Order of Amendments

Editor's Note: *The practice in the Senate is to address committee amendments,[2] then floor perfecting amendments in page and line order, followed by striking amendments. Beyond this, amendments are generally taken up in the order received.*

Amendment to amendment is the limit.[3]

PARLIAMENTARY INQUIRY

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[1] Senate Rule 64: "Upon second reading, the bill shall be read section by section, in full, and be subject to amendment. . . No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary."

[2] **Reed's Rule 84.** "The amendments proposed by the committee, which are usually explained by the report, are first to be voted on, because they are the first proposed to the assembly, and are in fact offered by the assembly itself, which clothed the committee with power to examine the question."

[3] Reeds Rule 133: In case the amendment offered, while satisfactory in its design does not in the opinion of a member exactly meet the case, he is at liberty to propose an amendment to the amendment. Here, however, the process must end, for there must somewhere be a limit or confusion would ensue. The general judgment of assemblies has settled upon the limitation of amendments to the second degree. If the amendment to the amendment is not satisfactory to the assembly it can be voted down, and then a new amendment to the amendment will be in order, which in its turn can be rejected, and so on until the assembly is satisfied.

Senator Braun: "Mr. President, I am curious if I can make a verbal amendment to the amendment before us to expand that time to ten years."

RULING BY THE PRESIDENT

President Heck: "Senator Braun, what you are suggesting sir, would be an amendment to the amendment to the amendment and therefore, is not in order."

PARLIAMENTARY INQUIRY

Senator Braun: "Wouldn't this simply be an amendment to the amendment?"

REPLY BY THE PRESIDENT

President Heck: "To the amendment. We have a striking amendment underneath. You are suggesting an amendment to 1502 which is an amendment to the striking amendment. You are suggesting an amendment to the amendment to the amendment."

REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Thank you very much Mr. President, and in addition I'd like to mention that Rule 64 provides that no amendment shall be considered by the Senate until it shall have been sent to the Secretary's desk in writing and read by the Secretary. Thank you."

PARLIAMENTARY INQUIRY

Senator Braun: "I just want to be clear because I do have it in writing as well, but I understand even in writing an amendment to an amendment to an amendment is still not permitted. Is that correct?"

REPLY BY THE PRESIDENT

President Heck: "Yes sir."

Senator Braun: "Thank you."

(March 10, 2022)

Striking amendments

POINT OF ORDER

Senator Pedersen: "Mr. President, I believe that amendment 383 may be a striker to a striker, not permitted."

RULING BY THE PRESIDENT

President Heck: "Senator Pedersen, in a previous ruling the President ruled that while a striking amendment could itself be amended, an amendment which acted as a striker in whole, or substantially, was out of order as it should more properly be viewed as a competing striker in its own right and offered as such. The amendment before us acts as a striker although the format masks that it strikes virtually the entire committee striking amendment. The amendment, the proposed amendment would be in order should the committee striking amendment be voted down. Therefore, your point is well taken. The amendment is out of order."

(April 8, 2023)

Scope and Object[4]

<u>Generally</u>

[4] **Rule 66**. "No amendment to any bill shall be allowed which shall change the scope and object of the bill. Substitute bills shall be considered amendments for the purposes of this rule. A point of

RULING BY THE PRESIDENT

President Heck: "In ruling upon the point of order raised by Senator Liias as to whether amendment number 43 impermissibly changes the scope and object of Engrossed Substitute House Bill 1368 in violation of Senate Rule 66, the President finds and rules as follows:

The President finds that the underlying bill is purely an appropriations bill, spending federal money for state activities in response to the COVID 19 crisis. While the measure spends money for a wide variety of purposes, the bill is narrow in that it exclusively uses appropriations to achieve its goal of COVID relief. It does not independently authorize additional state actions.

The amendment offered by Senator Ericksen would also appropriate federal money for state activities associated with COVID relief. Conditioning federal appropriations on certain activities is appropriate and would be within the scope and object of the underlying bill. However, the amendment goes beyond that. New section 1 affirmatively directs all areas of the state to move to Phase 2 of the Healthy Washington-Roadmap to Recovery Plan.

The President, therefore, finds that the amendment does change the scope and object of the bill in violation of Senate Rule 66, and Senator Liias's point is well taken."

(February 10, 2021)

POINT OF ORDER

Senator Pedersen: "Thank you Mr. President. I believe that the House amendment is outside the scope and object of the underlying bill. The underlying bill created new accountability frameworks for existing nonpublic agencies that school districts contract with to provide services to special education students. The House bill instead introduces an entirely new subject, the expansion and regulation of a different type of educational facility, education centers. The House amendment expands the definition of education centers to include nonpublic agencies. In doing so the amendment both creates new duties for nonpublic agencies, which the underlying bill did not do, and also introduces entirely new subject matter of creating new regulations for education centers, a broader group. Thank you."

RULING BY THE PRESIDENT
President Heck: "In ruling on the point of order raised by Senator Pedersen, the President finds as follows:

As passed by the Senate, the bill codifies existing duties of nonpublic agencies that provide services to students with disabilities as set forth in Chapter 392-172A and adds to the existing accountability measures and responsibilities of OSPI.

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order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A proposed amendment to an unamended title-only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title."

See also **Art. 2, § 38, State Constitution**. "No amendment to any bill shall be allowed which shall change the scope and object of the bill."
See also **Reed's 160**. They must be germane or relevant to the subject matter of the original proposition. It is impossible to lay down any precise rule upon this subject, and much depends on the good sense of the presiding officer.

Sec 3 of the striking amendment passed by the House amends RCW 28A.205.010, a provision that creates and defines Education Centers, a subject not previously included in the bill as it left the Senate. Under current law, only students who are deemed to be eligible dropouts are enrolled in Education Centers (RCW 28A.205.020). Education Centers provide basic academic skills to students and operate on a clinical, client centered basis. On the other hand, the bill as it passed the Senate addressed approving, monitoring, and investigating nonpublic agencies that contract with school districts to provide special education programs for students with disabilities.

By including Education Centers in the bill, the House amendment impermissibly expands the scope and object of the bill as it left the Senate. Senator Pedersen's point is well taken."

(April 13, 2023)

Scope vs. Object.

POINT OF ORDER

Senator Liias: "Mr. President, I believe that amendment no. 680 exceeds the scope and object of the bill before us."

Senator Liias spoke for the motion to declare the amendment out of order. Senator Braun spoke against the motion to declare the amendment out of order.

RULING BY THE PRESIDENT

President Heck: "The President will be releasing a written ruling with respect to Senator Liias' scope and object request later, but the President is ready to make a ruling. The President finds the amendment author's argument that it is within the object of the bill to be persuasive. The object of the bill is to reduce CO2 emissions on a global basis and efforts to reduce leakage would serve that purpose or arguably could.

The President further finds however, that the issues associated with the scope of the bill are problematic if not highly problematic. Namely there are no provisions relating to tax mitigation within the bill itself to begin with. And moreover, the proposed phase-out of the B&O tax on manufacturing would apply frankly mostly to businesses that are not even covered entities within the bill as written. Therefore, the President of the Senate finds the amendment beyond the scope and object of the bill."

(April 8, 2021)

Bill with singular object cannot be amended to remove that object, but a singular object does not preclude amendments defining the class to which the bill applies.

POINT OF ORDER

Senator Liias: "Mr. President, I believe that amendment no. 480 impermissibly expands the scope and object of the underlying bill under discussion and I'd like to make some remarks."

President Heck: "Please proceed."

Senator Liias: "Thank you Mr. President. I believe that amendment no. 480 expands both the scope and the object of the underlying bill for two reasons.

First of all, the net effect of the amendment, if adopted, would be to actually take voting rights away from some portion of this population that currently has them. Clearly, the purpose of this bill is to expand voting rights so allowing an amendment that would actually restrict and strip folks of their voting rights is outside the scope and object of the current bill.

The second reason I think that this amendment exceeds the object of the bill, and I'll just remind you that in the state constitution and in Rule 66 of our Senate rules we say clearly that amendments can't exceed expand the scope and object of the bill the purpose of this bill is to make it clear and you can read it throughout the bill that all people who are no longer in total confinement of the Department of Corrections would have their voting rights automatically restored and so by carving out small subsets of that it exceeds and expands and violates the purpose of the bill which is to look at all of these folks when they've left total confinement creating an automatic process for them to get their voting rights back so both because it strips some of their voting rights and because it impermissibly expands the object or changes the object of the bill I believe that this is in violation of our Senate rules and I'd ask you to rule it out of order."

President Heck: "Senator Rivers, do you wish to speak before the president takes us under advisement?"

Senator Rivers: "Well, Mr. President, thank you for this opportunity. You know I guess we've seen today how our rules are merely a guideline and I would say that in this instance there are a guideline as well. We are here today making a determination about the ability for individuals to be allowed to vote and that's what this amendment does. So, I, I think it's a good amendment. I think it's an important amendment for victims, for people of this state, for those who fear sexually violent predators and I feel like it should be, we should have debate and vote on it. Thank you, Mr. President."

RULING BY THE PRESIDENT

President Heck: "In considering the Point of Order raised by Senator Liias as to whether Amendment 480 by Senator Rivers impermissibly seeks to expand the Scope and Object of Engrossed Substitute House Bill No. 1078, the President finds and rules follows:

The scope of Engrossed Substitute House Bill No. 1078 broadly relates to voting eligibility for persons convicted of a felony. It automatically restores the right to vote for a person convicted of a felony once they are no longer serving a sentence of total confinement under the jurisdiction of the Department of Corrections.

Amendment 480 before us seeks to prohibit sexually violent predators conditionally released to less restrictive alternatives from being registered to vote before their release from the Department of Correction's authority.

First, the President notes that sexually violent predators conditionally released to less restrictive alternatives are not in the jurisdiction of the Department of Corrections; rather, they are under the jurisdiction of the Department of Social and Health Services. Many sexually violent predators who are conditionally released to less restrictive alternatives currently have their voting rights restored as part of their terms of release. The effect of Amendment 480 would therefore to be to both restrict the

restoration of voting rights for some of these individuals, while taking away the existing voting rights of others.

As Senator Liias noted in his argument, Rule 66 requires that an amendment be within both the scope and the object of the underlying bill. Here, the object of the bill is much narrower than its scope, and concerns the expansion of voting rights. Because Amendment 480 seeks to take away the existing right to vote from some sexually violent predators conditionally released to lesser restrictive alternative, the President finds the Amendment beyond the scope and object of the underlying bill.

The President also wishes to address the second part of Senator Liias' argument, relating to the carving out of the restoration of voting rights for certain individuals no longer serving total confinement. While not germane to the consideration of Amendment 480, the President wishes to provide the body with a better understanding of the President's approach to scope and object.

Again, the object of the bill before us is to expand the group of individuals for whom voting rights will be restored. The President finds and rules it is proper to offer an amendment seeking to further define and qualify that class of individuals.[5]

Based on the first issue, the President finds and rules that Amendment 480 is beyond the scope and object of Engrossed Substitute House Bill No. 1078. As reference was generally made to amendments not currently before the body, the President suggests that consideration of this ruling be made before raising any further objections."

(March 24, 2021)

Traditionally each side may speak

PARLIAMENTARY INQUIRY

Senator Braun: "I just want to know if the motion presented by Senator Liias is debatable?"

President Heck: "To go at ease?"

Senator Braun: "No, no, no. I'm sorry. The earlier, the challenge of scope of the bill. If that's debatable? I've asked that, I've been constantly pushing the point of inquiry for a while here."

REPLY BY THE PRESIDENT

President Heck: "Traditionally Senator Braun, the practice has been that there is an argument made, one each, on the respective sides."

Senator Braun: "Thank you, Mr. President."

(March 24, 2021)

Amendments may include the addition of other related bills

MOTION

Senator Lovelett moved that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1099 be adopted.

Senator Short objected to adoption of the Report of the Conference Committee.

[5] This appears to overrule a previous ruling by LG Habib on February 14, 2018, indicating that a specific and singular object precluded further amendments defining the class to which the bill applied.

POINT OF ORDER

Senator Short: "Yes, Mr. President. The substitute bill, if I may read the title Mr. President, is entitled relating to improving the state's climate response through updates to the state's comprehensive planning framework.

Mr. President, the object of the bill is to incorporate goals and elements of reducing greenhouse gas emissions and vehicle miles traveled. The underlying bill proposes to, to set the framework for the counties, for local governments, to do this work in the reduction of vehicle miles traveled and the reduction of greenhouse gas emissions and to instruct Commerce to do technical guidance, Mr. President, as local governments go through this work.

Now in contrast to this, this amendment, there's a section providing a tax incentive program. Mr. President, sections 15 through 17 introduce tax policy into the bill for the very first time. Very first time. Now housing policy, Mr. President, had been introduced throughout the process. But tax incentives related in this particular bill had never been introduced until the process that we have before us, and it does not fall within the scope of the bill. Remember, Mr. President, this is a bill about planning, not a bill about tax policy. And tax policy, if you think of it Mr. President, is about implementation. These are goals and elements set out for local governments to plan.

So, the tax policy language that originated is from House Bill No. 1157, Mr. President, which did not continue through the process. Therefore, I believe, and it's my argument to you, Mr. President, that the amendment broadens the scope of the bill and changes its objectives, a maneuver that our rules and our constitution forbid. Mr. President, I respectfully asked that you find the amendment is not in order.

Thank you, Mr. President."

Senator Pedersen: "Thank you very much Mr. President. Rising to disagree with my colleague from the Seventh District. The underlying bill should really be considered an omnibus bill that's related to modifying the Growth Management Act's comprehensive planning process. It has a broad goal of promoting climate resiliency through the creation of a new element related to climate change, incorporating climate resiliency into existing elements and through creation and modification of tools available to assist local jurisdictions in implementing these new climate change and resiliency elements.

Mr. President, one of the existing elements in GMA planning is the housing element, which includes planning for increasing housing, housing density. The new climate change element created in the underlying bill also includes provisions relating to increasing housing density and middle housing. The amendatory language that's being challenged is entirely related to using housing density and middle housing as a means of addressing climate change and resiliency and it's simply providing local jurisdictions with another tool for their planning processes that complements the other tools that are already included in this omnibus bill.

Since the subject matter of the underlying bill already introduced the concept of using building density and middle housing as a means to achieve climate resiliency within the growth management planning process,

the amendment is in no way introducing a new subject or alternative purpose and I would ask that you rule that striking amendment before us is within the scope and object of the underlying bill, and that the point of order is not well taken.

Thank you."

RULING BY THE PRESIDENT

President Heck: "The President would like to preface his ruling by making the following observation: In the fourteen months that the President has been privileged to stand here and occasionally vote upon these matters, it has been the experience that no matter how complex or nuanced the matters before us were, but after the fact, there was a considerable conviction and confidence that the conclusion was based on very solid ground. In other words, I feel good about every one. I'll tell you right now, I don't feel good about this one.

Fact to the matter is, this is a very, very difficult issue. It was flagged in the sense that the point of order was raised over the inclusion of section fifteen through seventeen, which I believe are verbatim language from another bill. Never a good sign. The President earlier today reminded members that writing overly prescriptive titles is something that can lead to a thwarting of this process. So too can the effort to keep a measure alive by picking it up and tacking it onto another bill, thus creating the prospect for considerable friction and conflict with the scope and object.

This is not a clear case."

"In ruling on the point of order by Senator Short objecting to the scope and object as related to sections 15, 16 and 17 of the conference report, the President finds and rules as follows:

Under Rule 66, the adoption of the conference report must be such that it does not change the scope and object of the bill.

As drafted, the underlying bill amends the state's planning laws including the Growth Management Act (GMA). One of the goals of the GMA is to encourage low income housing units by authorizing cities and counties to enact or expand housing incentive programs.

Turning now to the bill, the President notes that the object of the bill is to improve the state's climate response by updating the state's comprehensive planning framework, which is its scope.

One of the updates in the conference report is to create an option for high density incentive zones and provide a REET redirection to local government who choose this option in its comprehensive plan update.

The underlying bill requires cities and counties to take actions that will reduce overall carbon emissions. One of the ways to reach this goal is for cities and counties to expand housing density options within close proximity of transit hubs. This achieves the overall object of the bill by not only reducing the greenhouse gas emissions resulting from single-family homes but also by reducing the emissions resulting from multimodal transportation options.

The President notes that the objection focuses solely on the subsequent portion of the conference report, namely, the 3 provisions – sections 15, 16 and 17 - that authorize a portion of REET dollars to cities and counties which decide to utilize the

housing density options. Cities and counties receiving these dollars must use these moneys for, among other, infrastructure and service supports for moderate, low, very low, and extremely low-income housing, and create permanently affordable home ownership in order to further the goal of reducing greenhouse gas emissions.

The President finds that sections 15, 16, and 17 are related to the existing framework of the Growth Management Act.

The REET incentive in the sections is within the scope and object of the underlying bill. The President finds that Sections 15, 16, and 17 are within the scope and object of the bill and meet the requirements of Rule 66.

For this reason, Senator Short's point of order is not well taken."

(March 10, 2022)

Timing

PARLIAMENTARY INQUIRY

Senator Dhingra: "I apologize Mr. President, but if I were to make an objection to the scope of that amendment, is that too late to do so? Because I do believe that that amendment is beyond the scope of the bill."

RULING BY THE PRESIDENT

President Heck: "It is now the scope of the bill by virtue of your adoption of the amendment."

(January 31, 2024)

Withdrawal of an amendment[6]

PARLIAMENTARY INQUIRY

Senator McCune: "I actually didn't know how, I objected, I wanted to object to putting down that amendment by Jeff. I would like to run that amendment if possible, myself. Senator Jeff Wilson." [7]

RULING BY THE PRESIDENT

President Heck: "Senator McCune, the procedure by which one is to state an objection in an instance like this is to indicate a point of inquiry button which is also to serve as a point of order button and the President made a particular effort to pause, and no such point of order was timely raised. I hesitate, and will not establish the precedent now, but I will commit to you all that in similar circumstances I will adequately pause so that you will have an opportunity to press the point of inquiry or point of order button. Senator McCune, do you have a point of inquiry or point of order?"

PARLIAMENTARY INQUIRY

Senator McCune: "I do. I didn't know the amendment, Mr. President, was gonna be put down. If I would have known, I would have run it myself. It's an important amendment to the budget.

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[6] *See* **Senate Rule 20(1).** "No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action."

[7] By the time the objection was raised an additional amendment had already been withdrawn and the objection was not timely.

President Heck: "Senator McCune, that is not a point of inquiry. Or a point of order either."

(April 1, 2021)

CUTOFF

Matters Necessary to Implement the Budget

MOTION

Senator Short objected to the reading of the standing committee report for Engrossed Substitute House Bill No. 2124, concerning extending collective bargaining to legislative employees, as the Senate was beyond the cutoff date for such bills and that the bill was not necessary to implement the budget.

Senator Pedersen spoke against the objection by Senator Short.

Without objection, the Senate deferred further consideration of the first order of business for the purposes of granting sufficient time for the President to consider a ruling.

RULING BY THE PRESIDENT

President Heck: "The President is now ready to rule on the Point of Order and objection as raised by Senator Short. In response to Senator Short's objection to the reading in the committee report on Engrossed Substitute House Bill 2124 as beyond the cut off dates established by Senate Concurrent Resolution 8404, the President finds and rules as follows:

Senate Concurrent Resolution 8404 clearly exempts budget and revenue related measures from all cut off dates. In determining what measures are related to the budget, the president will look to the budgets under consideration by the legislature. Where a budget has passed the Senate, the President will first and foremost examine that budget. Where, however, the Senate budget is silent on a measure, as in the present instance, the President will look to evolving budget negotiations per precedent.

Here the budget passed by the House, proposed as a striking amendment to the Senate's budget, contains a specific and sufficient reference[8] to the Engrossed Substitute House Bill 2124. Looking at the plain language of reference to the bill in the House budget, the President finds Engrossed Substitute House Bill 2124 is necessary to implement the budget and, therefore, exempt from cut off dates established in Senate Concurrent Resolution 8404. Accordingly, the committee report for Engrossed Substitute House Bill 2124 is properly before us for action. The Secretary will read."

(March 8, 2022)

DEBATE[9]

[8] This is the reference from page 4 of House amendment to ESSB 5693 adopted on 2/26/22:

"The appropriation in this section is subject to the following conditions and limitations: (1) $947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2124 (legislative employee collective bargaining). If the bill is not enacted by June 30, 2022, the amounts provided in this section shall lapse."

[9] Senate Rule 29: "When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully

Remarks addressed to the President[10].

REMARKS BY THE PRESIDENT

President Heck: "The President would like to remind members that our rules require that all remarks be directed at the rostrum. Those are your rules."

(January 25, 2023)

Only President may address galleries[11]

RULING BY THE PRESIDENT

The President respectfully reminded the body that the Rules of the Senate prohibit senators from addressing or acknowledging guests and visitors in the gallery, a duty assigned to the presiding officer.

(February 29, 2024)

Remarks should be germane[12]

REMARKS BY THE PRESIDENT

President Heck: "Before we get into this debate, the President would like to note that the content of this bill is similar to that of one we dealt with last week. That was very challenging and difficult and shouldn't really surprise anybody when you consider the fact that this is a difficult and challenging subject matter and discussion in this country. We're emblematic of that. Concentrated form of it. But here's what's different, here are we, here we are guided by precedent, rulings, rules in Reeds. It is timely to note a couple. Reeds Rule no. 216 says that all debate should be relevant confined to the subject to debate. It goes on however to say the patient presiding officer and a good natured assembly can do much to

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address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question." *See also* **Reed's Rules** Chapter XIII, Rules 212-228.

[10] **Reed's 212 Object of Debate** – Duties of members. ". . . the member shall never address any one but the presiding officer.. . . ."

[11] **Senate Rule 33.** ". . . nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received ay acknowledge the presence of any distinguished person or persons. . . ."

[12] **Reed's 216. Relevancy in Debate.—** All debate should be relevant and confined to the subject of debate. The subject of debate is always the question directly before the assembly, whether it be the main question or any subsidiary or incidental motion. . . . Although the distinction can be stated thus sharply in words, it is often difficult to rule upon it in practice. To discuss an amendment involves more or less the main question, as does also a motion to commit; yet discussion of the main question in its relations to an amendment and in its relations to a motion to commit are very different from a discussion of the main question pure and simple. Nevertheless, a patient presiding officer and a good-natured assembly can do much to confine debate to its proper channels. The best course for a presiding officer in most cases is to interfere only where the irrelevancy is very great and is leading to confusion. . . ."

confine debate to its proper channels. The best course for a presiding officer in most cases is to interfere only when the irrelevancy is very great and is leading to confusion. Latitude will be granted. At the same time our own rules, adopted by this body, provide that debate shall be courteous. A good word for courteous is respectful. A good rule of thumb is if you have to ask yourself this if is this courteous or not is it probably isn't. The presiding officer could have done a better job last week. I will try harder. I respectfully request that each of you do as well."

(March 3, 2021)

REMARKS BY THE PRESIDENT

President Heck: "Before you speak sir, I've granted quite a bit of latitude on addressing the issue of openness in school versus this bill before us. Would respectfully request all members to speak to the bill."

PARLIAMENTARY INQUIRY

Senator Braun: "Are you saying I can not speak about schools being closed in the context of a K-12, a bill that came through K12, is specifically focused on K-12, and is directly relevant to whether, it can't be done without schools being open? Not to be difficult, I am just saying this is a very relevant topic."

REMARKS BY THE PRESIDENT

President Heck: "The bill before us deals with allowing the use of computer science credits for the purpose of graduation requirements. Please proceed."

(March 3, 2021)

REMARKS BY THE PRESIDENT

President Heck: "The President would like to indicate that he's allowed considerable latitude on this question. The President will adhere to the ruling of the previous presiding officer who indicates it's not the job of the presiding officer to indicate what terminology can or cannot be used as long as the remarks are relevant to the question before the body.[13] I want to remind you all, that the question before the body is the proposed amendment by Senator Braun relating to a requirement for taxpayers owing the state tax to also file a copy of their federal income tax return. Please keep your remarks to the question before the body which is the amendment by Senator Braun."

(March 6, 2021)

POINT OF ORDER

Senator Frockt: "I think that is out of order, Mr. President. To say that the governor or any one person, elected official has ruined lives. I don't think that's fair."

RULING BY THE PRESIDENT

President Heck: "I would just like to remind the members that what the rules provide for is that all remarks be addressed to the measure pending before the body. Please proceed Senator Dozier."

(February 15, 2022)

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[13] The issue was whether a capital gains tax should/could be called an income tax or an excise tax. As indicated by the President, that is a matter for debate.

POINT OF ORDER

Senator Billig: "I'm wondering if you could rule on whether the gentleman is speaking to the amendment or to the bill before us."

RULING BY THE PRESIDENT

President Heck: "Senator Muzzall. Thank you, Senator Billig. Senator Muzzall, there is probably no one on this floor that enjoys your folksy manner more than the President but, if I may quote the judge on an infinite number of *Law and* O*rder* episodes, 'Get to the point.'"

(February 15, 2022)

REMARKS BY THE PRESIDENT

President Heck: "Alright. The rules require that remarks be germane to the amendment before us. The rules require that there be no questioning of intent or motive. Speakers from both sides of the aisle have bordered on violating this. Bluntly put, the gavel's gonna be a little quicker. This is an emotion charged policy debate. Respect the rules, please."

(April 8, 2023)

POINT OF ORDER

Senator Pedersen: "I think we are really travelling far afield from the amendment."

RULING BY THE PRESIDENT

President Heck: "Senator Pedersen, the President thinks tempers are getting short. The President thinks that we are actually being less tolerant of one another than we ordinarily are. I think again, members on both sides of the aisle, have strayed. But not significantly different from in past debates. Our tolerance of that seems to be a lot less today. So, the President is going to respectfully ask, first of all the President is going to respectfully remind you what he said on day one, 'to please extend grace and patience to one another.' I am going to ask you that especially to do that today. This is a tough one. Take a deep breath. And Senator Dozier, get to your point more quickly sir. Please proceed."

(April 8, 2023)

POINT OF ORDER

Senator Billig: "Thank you Mr. President. I was hoping that you could remind the gentleman about speaking to the question before us."

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Billig. It is the President's experience that Senator Muzzall on occasion does take a long time to get to his point, but that his particularly unique style does eventually lead to something that is germane. Almost always. Senator Muzzall, proceed."

(January 27, 2024)

Speeches may not be read

REMARKS BY THE PRESIDENT

President Heck: "Before we begin today, the President would like to offer a gentle

reminder. Rule 27[14], combined with longstanding and deep tradition of the Washington State Senate combined with language in Mason's Manual, which is on occasion used as a backstop to our Reed's Rules, specifically do not allow for the reading of speeches on the floor. This is true whether the speeches are given remotely or while physically present here. This does not mean members cannot use notes, of course they can. The language specifically in Mason's Manual, for example, says 'Members do not have the right to read their own written speeches without permission of the body. Members are entitled to speak from notes.' The President would respectfully request your acknowledgement and cooperation in this regard, and I thank you."

(February 3, 2021)

POINT OF ORDER

Senator Sheldon: "Thank you Mr. President. This point is no reflection on anyone who has spoken on the floor today or virtually. But I have noticed over the last few weeks that members will speak, will make a floor speech that is apparently being read from a document. And I think we all know that we have to ask you Mr. President for permission to briefly read from a document. But Mr. President I know in this virtual world things are changing, but am I correct that a member may not read a floor speech?"

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore: "Senator Sheldon, your point is duly noted. Thank you."

(February 10, 2022)

Members may not reference actions of the House[15]

REMARKS BY THE PRESIDENT

President Heck: "The President would like to remind the President this is the Senate. The President would also like to remind members that Reed's Rule #224 prohibits reference to actions in the other chamber, including votes. That's happened a couple of times today, especially as we enter this phase of the session, please refrain from doing so."

(March 22, 2023)

REMARKS BY THE PRESIDENT

President Heck: "Senator Boehnke, with all due respect, a reminder to you and others who have made this particular allusion, referencing the other chamber in such a fashion is a violation of your rules."

(April 7, 2023)

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[14] **Senate Rule 27**: "When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate. . . ."

[15] Reeds Rule 224: "It is not permissible to allude to the action of the other house of the legislature, or to refer to a debate there. Such conduct might lead to misunderstanding and ill-will between two bodies which must cooperate in order to properly serve the people. So, also, the action of the other body should not be referred to to influence the body the member is addressing."

DECORUM[16]

Appropriate Dress

REMARKS BY THE PRESIDENT

President Heck: "Just as a reminder to all members, the decorum of the Senate requires you to dress in the same fashion that you would were you actually appearing on the floor of the state Senate and irrespective of whether you are appearing

[16] See, generally, **Rule 1**: "…The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber…."
See also **Rule 7**: "**1.** Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. **2.** In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted. **3.** If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration. **4.** No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present. **5.** In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)" *See also* **Reed's Rules**: "**48. Rights of Members**.— The rights of each member are based upon the doctrine of his equality with every other member. He has therefore the right to present his propositions and to debate them fully. But as the right of each member leaves off where the rights of others begin there must be much mutual forbearance between each member and the assembly. Each member has a right to demand that the assembly be in order, and may rise to demand the same. He may also interrupt a member not in order, but he must exercise his rights in such a manner as not to increase the disorder. **49. Duties of Members**.— The duties of each member are based upon the considerations which arise from his being a component part of the assembly, which desires to act together and which, in order to act together, must come to some agreement. The member must maintain order and refrain from conversation. He should not engage in any other business than that before the meeting. He should not walk between the member who has the floor and the presiding officer. He should not interrupt the member speaking except by his consent. It seems superfluous to say that he should not wear his hat, or put his feet on the desk, or smoke, for in all ways the member of an assembly should act properly. He should not use injurious expressions. He should not make use of even proper parliamentary motions to create discord or impede unreasonably the action of the assembly. In short, as the object and purpose of an assembly is to enable men to act together as a body, each member ought to so conduct himself as to facilitate the result, or at least so as not to hinder it. **50. Decorum**.— It will be seen that the rights and duties of members are somewhat difficult of enforcement, except by general comity. Yet they should always be borne in mind and insisted on; for the creation of healthy public sentiment in an assembly is as important for its success as the observance of the laws of politeness is necessary to the comfort and well-being of a community. Decorum is usually treated of in connection with debate, but is as necessary and as much required at other times as when discussion is going on." *See also* **Reed's Rules** Chapter XIII, Debate & Decorum, Rules 212-228.

virtually or not, for purposes of this discussion, for men that means you must be wearing either a sport coat or a suit jacket. This decorum guideline will be enforced in the future."

(January 18, 2021)

REMARKS BY THE PRESIDENT

President Heck: "Senator McCune, a respectful reminder that members even when participating remotely are required to wear sport jackets. Lest my eyesight failed me I think you need to assume business attire if you would please sir."

(February 16, 2021)

Walking in front of the speaker[17]

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "The President wants to remind members to be careful about walking in front of other members who are speaking. We haven't been in chamber for a long time, and some of the protocols are loosened. So be a little alert to who is speaking in the chamber and try not to walk in front of them while they are speaking."

(February 11, 2022)

Remote session – visibility

REMARKS BY THE PRESIDENT

President Heck: "Senator King, excuse me. Senator King, your camera has been off and viewers have been treated to a continuing visual presence of Senator Kuderer. We going to try and correct that. Please make sure your camera is turned on."

(March 24, 2021)

Impugning motives

POINT OF ORDER

Senator Pedersen: "Thank you Mr. resident. I wonder if you might remind the gentleman from the 31st District about the rule against impugning motives."

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Pedersen, I was actually just about to do that.
Senator Fortunato, your rules do not provide an opportunity for you to impugn the motives of any member or suggestion that their motives in advocating for this legislation for that purpose is in fact impugning their motives. Please keep your remarks to the merits or demerits of the measures before us."

(February 27, 2024)

<u>Impugning non-members</u>

PARLIAMENTARY INQUIRY

[17] Reeds Rules 212 provides that t members who are not speaking must not pass between the member speaking and the presiding officer.

Senator Braun: "Thank you Mr. President. So, the previous speaker made a derogatory remark towards a former President of the United States and I just have a question Mr. President. We generally have rules here about impugning the motives of folks of the floor, members of the body, but I don't know what our rules are with regard to current and former members of the federal government, elected members of the federal government?"

REPLY BY THE PRESIDENT

President Heck: "Thank you for your point of inquiry Senator Braun. The President would indicate that there is no specific rule regarding impugning the motives of people other than your colleagues or fellow members of the Senate. I would suggest however, that in keeping with general decorum, especially insofar as the remarks had basically nothing to do with the bill before the Senate, I would respectfully ask that members refrain from such language."

(February 10, 2021)

MOTIONS

Priority of business not debatable.

Senator Short moved to advance to the ninth order of business.

President Heck: "Questions relating to the priority of business are not debatable. By tradition, one explanatory speech has been allowed on each side."

(February 3, 2021)

Motion to immediately consider debatable

MOTION

Senator Braun moved that the Senate immediately consider Engrossed Senate Bill No. 5919, concerning the standard for law enforcement authority to detain or pursue persons.

Senator Braun spoke in favor of the motion. Senator Pedersen spoke against the motion.

PARLIAMENTARY INQUIRY

Senator Braun: "Mr. President, I would like to know if this is a debatable motion?"

RULING BY THE PRESIDENT

President Heck: "Senator Braun, thank you very much for the inquiry. The President cannot recall, cannot find, is not aware of any rule which would prohibit debate of this motion.

However, it is important to point out that remarks during debate must be as to the motion itself, the need to immediately consider, not the merits of the bill per se, it is not a debate on final passage."

(March 10, 2022)

ORDER OF BUSINESS[18]

[18] **Senate Rule 17**. "After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees and standing subcommittees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

MOTION

Senator Braun moved that the Senate immediately consider Engrossed Senate Bill No. 5919, concerning the standard for law enforcement authority to detain or pursue persons.

POINT OF ORDER

Senator Pedersen: "Mr. President, a motion to immediately consider something that is on a concurrence calendar is not in order when we are on the seventh order of business."

President Heck: "Senator Braun?"

Senator Braun: "Mr. President, I move that we revert to the fourth order."

Senator Pedersen objected to the motion by Senator Braun to revert to the fourth order of business.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate revert to the fourth order of business.

The motion to revert to the fourth order of business did not carry by voice vote.

(March 10, 2022)

PERSONAL PRIVILEGE[19]

REMARKS BY THE PRESIDENT

President Heck: "So before we go there. Before we go there. Having no idea what you're about to say. It is none the less timely given the conversations that occurred on the weekend and before, for me just to remind the members what the rule is, and this is not directed at you Senator Wagoner. It's Rule 33 of the rules you adopted. And it says any senator may rise to a question of privilege and explain a personal matter by leave of the president but shall not discuss any pending question in such explanations in other words can't talk about the bill across, a question of privilege shall only involve subject matter which affects the particular senator personally in a manner unique and peculiar to that senator very grateful for your allowing me the opportunity to clarify this sir but please proceed."

(March 8, 2021)

FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
SIXTH. Second reading of bills.
SEVENTH. Third reading of bills.
EIGHTH. Presentation of petitions, memorials and floor resolutions.
NINTH. Presentation of motions.
The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.
All questions relating to the priority of business shall be decided without debate.
Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate."

[19] **Senate Rule 33.** "Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.
A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator."

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, I would have liked to speak on, spoken on the last bill. When the majority party calls for the question that is certainly their right, but there was a long debate on the amendments, I understand that. But, I think…"

REPLY BY THE PRESIDENT

President Heck: "Senator Sheldon, I am sorry sir, that is not a point of personal privilege."

(March 24, 2021)

PERSONAL PRIVILEGE

Senator Fortunato: "I didn't get to speak on the last bill, something happened, I intended to speak, but I thank everybody."

RULING BY THE PRESIDENT

President Heck : "Senator Fortunato, Senator Fortunato, points of personal privilege do not cover retroactively speaking on pending legislation."

(February 12, 2022)

PERSONAL PRIVILEGE

Senator Carlyle: "Mr. President, I would be so incredibly honored if you would express to my colleagues that there is an exciting opportunity to co-sponsor a piece of legislation before 5:00 pm today. For those members who are passionate about…"

RULING BY THE PRESIDENT

President Heck: "Senator Carlyle, that is so far outside the bounds of the rules relating to points of personal privilege."

(February 12, 2022)

PERSONAL PRIVILEGE

Senator Honeyford: "Well thank you Mr. President. I wanted to recognize that this is Irish heritage month."

President Heck: "Are you rising to a point of personal privilege?"

Senator Honeyford: "Yes."

President Heck: "Are you Irish?"

Senator Honeyford: "I am. Scotch-Irish."

President Heck: "Please proceed. Otherwise, it is not a point of personal privilege."

(March 10, 2022)

RECONSIDERATION

Reconsideration of Amendment[20]

Having voted on the prevailing side, Senator Van De Wege moved that the Senate now reconsider the vote by which floor amendment no. 010 to floor striking amendment no. 006 passed the senate earlier in the day.

[20] *See* **Rule 37** for timing and notice provisions for reconsideration of bills. "Motions to reconsider a vote upon amendments to any pending question may be made and decided at once."

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate reconsider the vote by which floor amendment no. 010 passed the Senate.

The motion for reconsideration carried.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 to floor striking amendment no. 006 reconsideration.

Senator Liias demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 to floor striking amendment no. 006 on reconsideration.
. . .

The amendment was not adopted.

(January 27, 2021)

SCOPE & OBJECT

Please see this same topic under the category of "Amendments," above.

SET FORTH IN FULL[21]

POINT OF ORDER

Senator Short: "Mr. President, Engrossed Substitute House Bill No. 1589 as amended violates Senate Rule No. 26 because the bill amends existing law by reference without setting them forth in full. I can offer you Mr. President, if I might, a brief argument to that point?"

President Heck: "Please proceed."

Senator Short: "Thank you Mr. President. Senate Rule No. 26 forbids us from amending laws by reference and requires us to make sure amended laws are set forth in full length. This bill violates that rule.

And I want to direct your attention, Mr. President, to section 3 of the bill, which empowers the UTC [Utilities & Transportation Commission] to consolidate for a large combination utility several different statutory planning and regulatory processes that are laid out in chapters, and I will outline those chapters: 19.280, 19.285, 19.405, 70A.65, 80.28 RCW.

Now the bill does not make the necessary amendments to those or other chapters. Thus, showing the effect of consolidation on preexisting statutes, Mr. President, that a utility must meet. This means that they impermissibly add or amend several statutes by mere reference without fully showing the effective changes of those laws.

It is important because neither the Legislature nor the public will be able to discern which provisions of current law will apply to large combination utilities unless

[21] **Senate Rule 26**: No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

those laws are shown as amended. But it also, State, our Supreme Court has recently held that the prohibition against amending by reference helps make sure that the effect of new legislation, and this is new legislation Mr. President, is clear. And to avoid confusion, ambiguity, and uncertainty in the statutory law through the existence of separate and disconnected legislative provisions scattered throughout our law.

Mr. President, I respectfully request a ruling that Engrossed Substitute House Bill No. 1589 as amended violates Senate Rule No. 26 because it amends several statutes by reference without setting them forth at full length, thus concealing the full effect of the bill.

Thank you, Mr. President."

President Heck: "Senator Pedersen."

Senator Pedersen: "Thank you very much Mr. President. I think we are also fully supportive of Article II, Section 37 of the Constitution and Rule No. 26. However, Mr. President, I believe strongly that the bill does not actually amend any of those chapters to which the Gentlelady from the 7th District referred. Mr. President, I would direct your attention to section 3, sub. 2A, at the last sentence. And, may I read from the striking amendment Mr. President?"

President Heck: "Please."

Senator Pedersen: "The last sentence says, 'the statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan.' In other words, the consolidation is going to leave the plan subject to all of the existing requirements stacked on top of each other. And of course, it will be up to the Commission to work through how to, how they interact with each other. But that is exactly the case under existing law. So, Mr. President, there is no amendment, let alone an amendment by reference and I think the point of order, encourage you to find, that the point of order is not well taken."

RULING BY THE PRESIDENT

President Heck: "In ruling on the point of order by Senator Short that Engrossed Substitute House Bill No. 1589 is improperly before the Senate, as it violates Senate Rule 26, the President finds and rules as follows:

Senate Rule 26 is identical to Article II, Section 37 of our Washington State Constitution, and provides that, 'No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.'

Please bear with the President, as it appears that this is a matter of first impression, and this will be a lengthy explanation.

First, and most importantly, the President believes that everyone on this floor can agree that our Legislature has some of the finest professional drafters anywhere. The following remarks have nothing to do with Legislative staff or their work.

There is no other way of saying this clearly. The President is troubled as he observes that the drafting and construction of this bill is very simply a hot mess.

Courts looking at potential violations of the prohibition on amending by reference have used the following test:

1. Is the new bill such a complete act that the scope of the rights or duties created or

affected by the bill can be determined without referring to any other statute? and

2. Would a straightforward determination of the scope of rights or duties under the existing statutes be rendered erroneous by the new enactment?

So now turning to Engrossed Substitute House Bill No. 1589:

There are multiple planning requirements for utilities located in various statutes spread across the RCW's. Section 3 of Engrossed Substitute House Bill No. 1589 authorizes the utilities and transportation commission (UTC) to allow the consolidation of these multiple planning requirements into a single plan approved by the UTC, but only for 'large combination utilities'.

Critically, these large combination utilities are no longer required to file the individual plans that become part of this consolidation. The various other planning statutes continue to provide that the individual plans are required for all utilities – with no exemption for large combination utilities. Their very specific requirements and timelines remain in statute without amendment in this bill. While Section 3, Subsection 2(a) provides that, "The statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan," the President is troubled that the existing planning requirements still remain unamended in the various RCWs.

Turning to the first question for whether a bill is attempting to amend without setting forth provisions in full – Is Engrossed Substitute House Bill No. 1589 so complete that one can determine the rights and duties without referring to other statutes? The answer is no. Section 3 calls out a number of statutory chapters that 'may' be affected and says that the statutes affected are not limited to that very list.

The President simply cannot look at Engrossed Substitute House Bill No. 1589 and know which plans the UTC is being given the authority to consolidate, and which statutory requirements will be waived based on this new rulemaking.

On question two – would any of the rights or duties under existing statutes be rendered erroneous by Engrossed Substitute House Bill No. 1589? The answer is yes. There are plans in various statutes. These statutes provide requirements for filing and there is nothing in the bill that amends those statutes to allow the UTC to consolidate the plans and remove the requirement for a large combination utility to file the plan.

Again, the purpose of the rule is not to restrict the Senate as to content. The goals of this bill can certainly be achieved by the Senate, but it must be drafted correctly.

The President would like to emphasize that there is a way to repair this bill. It merely needs to be drafted to include those sections of law that Engrossed Substitute House Bill No. 1589 proposes to amend, and clearly amend them to allow the UTC to do rulemaking to consolidate the plans for large combination utilities.

The President also cautions that this opinion is not an opening to object to every bill on this basis. Many bills affect the reading of other statutes in some way, but do not rise to the level of a violation of Rule 26. This bill is unique. It is simply outside the boundaries of normal drafting standards. The President encourages those who endeavor to draft legislation to listen to the advice of our legislative staff.

For these reasons the President finds that Senator Short's point is well taken, and that Engrossed Substitute House Bill No. 1589 in its current form is in violation of Senate Rule No. 26 and is not properly before the Senate."

(February 29, 2024)

SINGLE SUBJECT[22]

POINT OF ORDER

Senator King: "Mr. President, I believe that Engrossed Substitute Senate Bill 5974 violates Senate Rule 25 because the bill embraces more than one subject. And may I offer a brief argument to this point?"

President Heck: "Please proceed."

Senator King: "Thank you Mr. President. Engrossed Substitute Senate Bill 5974 is a lengthy bill that contains more than one subject, in violation of our Senate Rules. The bill before us covers at least thirty items, many of which focus on creating new or increasing current state and local transportation revenues. But some items, Mr. President, are far beyond the general subject of transportation resources. And others were originally included in separate measures during our current session. Engrossed Substitute Senate Bill 5974 contains the following dissimilar provisions. Sections 409 through 415 and Section 422.

These provisions deal directly with the state's clean fuels program, low carbon fuel standard, and are unrelated to the transportation resource provisions of this bill.

Sections 424, 425, broadly expand the ability of cities to utilize traffic cameras and extends the permissible use of those cameras. Some of these new uses, namely expanding the use in school walk areas, were included in Senate Bill 5687 which passed the senate floor. It also extends the traffic camera program in Seattle, which was included in Senate Bill 5707. Also passed off this floor.

While a bill may have a general title, the title itself does not control the purpose of determining whether a bill contains more than one subject. There must be a rational unity between the general subject and the incidental subdivisions. Finally, including measures that were originally stand-alone bills into a single omnibus bill may be evidence of the intent to bypass the single subject prohibition contained in Senate Rule 25.

For these reasons, I respectfully request that you rule that Engrossed Substitute Senate Bill 5974 violates Senate Rule 25. I have some further documentation or information that I would bring to the dais. Thank you, Mr. President."

President Heck: "In accordance with our tradition of allowing one explanation in support and in opposition, but no other debate: Further remarks? Senator Liias."

Senator Liias: "Thank you Mr. President. I believe that Engrossed Substitute Senate Bill 5974 squarely falls within the Senate's rules. We have a tradition here of passing omnibus

[22] *See* **Rule 25**: "No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)." Article II, § 19 of the Washington Constitution provides: "BILL TO CONTAIN ONE SUBJECT. No bill shall embrace more than one subject, and that shall be expressed in the title."

revenue measures that embrace a number of issues. If you look at our other omnibus measures relating to transportation in the operating budget, you will see that this year. Also, when it comes to the single subject rule, we were intentionally clear in the title that this is a broad bill with many subjects related to transportation, so the reader of the bill will find it as no surprise when they read a title that says, 'related to transportation resources,' that there will be a number of different measures included. So, we are being clear with those that read this. Our members, as the debate tonight shows us, our members have seen the broad variety of transportation subjects that are here all embraced under that subject and again it is an omnibus revenue bill where the various pieces are designed to both enhance and support transportation revenue for the people of Washington."

RULING BY THE PRESIDENT

President Heck: "In response to Senator King's Point of Order that Engrossed Substitute Senate Bill 5974 contains more than one subject in violation of Senate Rule 25, the President finds and rules as follows:

Previous rulings in this body and Washington courts have indicated that the provisions in the bill must be rationally related to the measure's overarching common purpose or subject, and that must be reflected in the title of the bill. Rational unity requires all matters in the bill to be germane to the title and to one another. If the title and subject of the bill is broad and general, the bill can include several 'incidental' subjects so long as those incidental subjects are related.

Turning to the bill, Engrossed Substitute Senate Bill 5974 has a broad title and subject and it deals in multiple ways with transportation revenue and resources. When interpreting Senate Rule 25, the President will give broad deference to the subjects included in an omnibus bill.
Omnibus bills are intended to cover wide variety of provisions that address the subject of the bill. This bill is no different.

Senator King has drawn our attention to Sections 409 through 415. These sections address the state's Low Carbon Fuel Standards program. Section 409 of the bill addresses the existing clean fuel standards program.

Given the current uncertainty around the future of the clean fuel provisions and associated resources[23], the President finds that Section 409 of the bill assures the likelihood of additional future transportation resources and is rationally related to the subject of the bill.

Senator King also points to Sections 424 and 425 which expand the authority of cities to use traffic cameras. The President finds that the expansion will naturally lead to additional transportation revenues which clearly falls within the broad subject of transportation resources.

For these reasons, the President finds that Engrossed Substitute Senate Bill 5974 complies with Rule 25 and Senator King's point is not well taken."

[23] At the time of this ruling the Legislature was in litigation over the governor's veto of less than a full section. The veto removed the tie of the implementation of the clean fuel standards to the passage of an additive transportation package. Section 409 of this bill codifies the governor's veto by removing the link to the passage of a transportation package. Since this time the Legislature and Governor entered an agreed order acknowledging that the case is moot per SB 5974.

(February 15, 2022)

POINT OF ORDER

Senator Wilson, J.: "Thank you Mr. President. Sub-point 40 on page 470 of the Substitute Senate Bill No. 5693 violates Senate Rule 25 because the bill embraces more than one subject. Mr. President, will you allow me to offer a very brief argument on this point?"

President Heck: "Yes."

Senator Wilson, J.: "Thank you Mr. President. Mr. President, 5693 is a very expansive bill. It's under the subsection 40 that introduces additional subjects which I am saying violates our Senate rules.

The proviso in question is an overarching policy that would eliminate, eliminate commercial gillnet fishing. This is a policy change that should be addressed in a policy bill. In fact, the Senate has covered, or considered, policy bills on this topic including Senate Bill 5567. However even that less controversial bill has not made it through the process; adding the same policy change to the budget bill is an improper, back-door attempt to implement policy through the budget Mr. President, and our rules prohibit this. And unfortunately, we rejected an amendment which would have fixed this problem, and right-sized the fishery to ensure that there weren't unused licenses. And we could still preserve this corner of our extremely important economy.

But the proviso in the budget before us expressly states that the number of fish saved would be transferred from the commercial fishery into conservation or a selected fishery. This is a major policy change Mr. President, which conflicts with federal fisheries allocation processes, and state law, such as RCW 77.5 or 77.75.010 and it impairs the rights, Mr. President, the rights of commercial fishermen. It even cuts our friends in Oregon out, of this existing process that we've used to manage fisheries"

President Heck: "Senator Wilson, keep your remarks, please, to arguments in support of your point of order."

Senator Wilson, J.: "Thank you Mr. President. In conclusion, the policy intended in the proviso is only in the budget because it can not survive the legislative process on its own merits. We cannot have log-rolling in the Senate and our rules are designed to prevent it. For these reasons Mr. President, I respectfully request that you rule that Senate Bill 5693 violates Senate Rule 25. And thank you Mr. President."

Senator Pedersen: "Thank you very much Mr. President. One of the main components for the test for whether a proviso includes substantive law is whether the proviso redefines rights or eligibility for services found in current law.
In this case the answer is clearly no. The proviso in question addresses the ability of the Department of the Fish and Wildlife to buy back certain fishing licenses. Under current law, the Department has very broad authority in relation to regulating licensing, including the ability to allocate the benefits of license buy-backs without legislative direction. This proviso in no way changes or redefines an existing benefit or right. It simply gives additional clarification over how the Department should utilize its existing broad authority. The Department could have chosen to use its authority in this way even without the proviso. For these

reasons, I'd ask that you rule the objection is not well taken. And Mr. President, I presume that you are going to need some time to consider this?"

RULING BY THE PRESIDENT

President Heck: "Before issuing this ruling, the President would like to clarify that this is a parliamentary ruling, not a policy judgment. It is not the role of the President to make policy judgments on points of order but to faithfully apply the rules applicable to this body. The President takes this role seriously, and will continue to abide by this principle.

In ruling upon the point of order raised by Senator Jeff Wilson that Engrossed Substitute Senate Bill 5693 is improperly before the body, as it violates Senate Rule 25 by including substantive law in the budget, the President finds and rules as follows:

Senate Rule 25 provides that, 'No bill shall embrace more than one subject and that shall be expressed in the title.'
As this is identical language to Article II, Section 19 of the State Constitution, the President finds it appropriate to look to those opinions in addition to prior Senate rulings to guide his determinations.
It is clear from these opinions that appropriation bills are fully subject to this provision, and a budget bill is an improper vehicle for substantive law in the budget.
It is equally clear to the President that the Courts and this body have granted greater latitude 'to the legislature in enacting multi-subject legislation under the appropriations bill title than any other, since the purpose of appropriations bills is to allocate monies for the State's multitudinous and disparate needs.' That is found in *Flanders v. Morris*.

In analyzing whether a provision adds substantive law to a budget, the President will look to the four factors called out in previous opinions, although the President cautions that this list may not be exhaustive. Factors to consider include:

1. Whether the change is limited to the fiscal years affected;
2. Whether the proviso or additions were the subject of another bill;
3. Whether rights or eligibility for services are affected; and
4. Whether an express policy found in statute is being contravened, repealed, or modified in a manner which renders the underlying statutory scheme inoperative.

Turning now to Engrossed Substitute Senate Bill 5693, giving proper deference to the fact that this is an appropriations bill and examining the four factors, the President finds that the proviso complies with all four factors.

It is self-evident that the existence of a policy bill cannot, in and of itself, preempt the body from including the same topic in the appropriations bill, particularly when, as in this case, there was clearly no attempt to simply hang a policy bill on a budget bill. The President, therefore, finds that Senator Wilson's point is not well taken and Engrossed Substitute Senate Bill 5693 is properly before the body."

(February 25, 2022)

SUBJECT IN TITLE[24]

Specific and narrow titles

POINT OF ORDER

Senator Braun: "I rise to a point of order that Engrossed Substitute House Bill No. 2124 violates Senate Rule No. 25, which requires the subject the bill to be expressed in the title."

President Heck: "Proceed."

Senator Braun: "Thank you Mr. President. So, as you know, Mr. President, Senate Rule No. 25 requires the subject of the bill to be expressed in its title. In recent years, we've all seen this trend with ever more prescriptive and byzantine titles being employed. This bill before us today is an excellent example. It has 125 words in its title. Mr. President, as stated in a 2020 ruling from your office, which is supported by long standing case law, if I may read Mr. President?"

President Heck: "Proceed."

Senator Braun: "'The President will caution members that selecting a narrow title or narrow in specific bill title is not without risk. Where a title is very specific, the language of the bill must follow the title very specifically, and the President will enforce the standards of Rule 25.'

Now Mr. President, the language in Engrossed Substitute House Bill No. 2124 fails to comply with the senate rules as it does not follow the title very specifically and there are several instances in the bill where it deviates from this extremely specific title, and I'd just like to mention two of them.

First of all, the title asserts that collective bargaining is being extended to legislative employees by creating the Office of State Legislative Labor Relations. But the bill's contents do not extend collective bargaining to legislative employees by the creation of the office. This is factually false Mr. President.

The provisions extending collective bargaining are elsewhere in the bill. Specifically, section 4, 5 and 7. If these sections were omitted from the bill there would be no collective bargaining in spite of the fact that the Office of Legislative Labor Relations would still exist. And of course, vice versa is also true. If you were to omit the sections that had the Office of Legislative Labor Relations, but the other sections remained, you would have collective bargaining.

The second example, Mr. President, is that the bill's title has a narrower focus on the Office of State Legislative Labor Relations, describing fifteen specific issues in which the office must consider. Yet, after you get past sections 1 and sections 2 the remainder of the bill is outside the scope of that very narrow and carefully crafted title.

These issues, Mr. President, frankly, would not be present if they used a broad bill title, such as the title used in the original bill on this topic, House Bill No. 1806. Just for the information the body the title on that bill was, if I may read?"

President Heck: "Proceed."

[24] **Senate Rule 25** "No bill shall embrace more than one subject and that shall be expressed in the title (See also Art. 2, § 19, State Constitution)

Senator Braun: "'An act related to extending collective bargaining rights to employees of the legislature, legislative branch of the state government.'

If that had been proposed, we wouldn't have an issue, but that is not the title before us today, Mr. President. And as the language of this bill does not follow this very near narrow title, I ask that you rule that Engrossed Substitute House Bill No. 2124 violates Senate Rule No. 25. Thank you Mr. President."

Senator Pedersen: "Well, thank you very much Mr. President. Although I appreciate very much the careful legal analysis by the gentleman from the Twentieth District, I guess I want to suggest an alternate grammatical understanding of the title of this bill.

There are several gerunds that are used in words. And so, I'm going to suggest that the way that the title proposes extending collective bargaining agreements to legislative employees is by creating the office, by determining bargaining units, by adjudicating unfair labor practices, determining representation questions, considering approaches taken by other legislatures, specifying unfair labor practices, but without mandating what the collective bargaining agreement must provide.

So Mr. President, I think that what you see in the striking amendment and in the bill, is reflective of the title that that is to say, a broad, a broad approach for setting up a framework and a process for figuring out how the State would make, the State Legislature would make this momentous shift toward having, toward having the ability of the, of our employees to do collective bargaining with their employers in the legislative branch."

(March 9, 2022)

RULING BY THE PRESIDENT

President Heck: "The President prior to issuing this ruling, has some preliminary comments on the choice of bill titles. The President would agree with Sen Braun that there has been a trend in recent years of evermore prescriptive and byzantine titles being selected. The President takes this opportunity to warn members about the selection of such titles. There is risk involved in this. Be forewarned.

In ruling on this point of order by Senator Braun objecting that the title of Engrossed Substitute House Bill No. 2124 does not match the body of the bill in violation of Senate Rule 25, the President finds and rules as follows:

Senate Rule 25 provides that 'no bill shall embrace more than one subject and that shall be expressed in the title.'

Here, the bill is about extending collective bargaining to legislative employees. The bill creates a state agency – the Labor Relations Office - tasked with several duties. The director of this agency is tasked with conducting negotiations on behalf of the employer. The bill also lists a number of other duties of the office, including examining issues relating to collective bargaining for legislative employees, developing best practices and options for implementation, and submitting a report to the Legislature.

The bill goes on to provide direction to the state agency as it prepares its considerations to the Legislature. The remaining sections provide the guideposts of the collective bargaining framework to the Labor Relations Office.

The President finds that the title of the bill appropriately gives notice that the bill is about extending collective bargaining rights to legislative employees. For this reason, the President finds that the requirements of Senate Rule 25. The point of order is not well taken."

(March 10, 2022)

VOTING

Conflict of Interest[25]

POINT OF INQUIRY

Senator Liias: "Thank you Mr. President. Apart from my duties as a citizen legislator I also work as a communications outreach manager employed by Snohomish County. This bill before us freezes the number of district court judges as we've heard specifically and exclusively for Snohomish County. As additional detail, I don't lobby for the county, my job is not conditioned on the passage of this or any other bill, and my salary won't be affected by the passage or failure of this bill. My employer however does have an interest. So, under Senate Rule No. 22, legislators are prohibited from voting on matters in which they have a personal or direct interest and my question to you is, 'Do I have a personal or direct interest in the proposed legislation which would require my recusal from voting?'"

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Liias. You are not prohibited from voting on this because you are not personally nor directly impacted by the outcome of this bill."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5003.

(January 25, 2023)

Breaking a tie – President's authority to vote[26] discretionary.

PARLIAMENTARY INQUIRY

Senator Ericksen: "Thank you, Mr. President. On the previous amendment I was watching the vote count as it came through

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[25] **Senate Rule 22(1). "**. . . No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested. . . ."
See Also Article II, Section 30 of the State Constitution: ". . . A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon."

[26] **Senate Rule 1(9).** "When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote as provided for in the state Constitution.
Art. 2, Section 10 of the State Constitution. ". . . When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate."
Art. 2, Section 22 of the State Constitution. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor."

and it appeared that it was 23 in favor 24 opposed until the very last moment and it turned to 24-24. And I don't see anybody excused or absent so, what would be the process in that situation to actually make a determination of the vote of the of those voting?"

REPLY BY THE PRESIDENT

President Heck: "Senator Ericksen, a tied vote is a failed vote. It requires a majority to pass."

PARLIAMENTARY INQUIRY

Senator Padden: "Thank you, Mr. President. Kind of as a follow-up to the point of inquiry from the gentleman from the 42nd, when there is a 24-24 tie, you said it fails it needs a majority, but Mr. President, do you have the authority to break that tie?"

REPLY BY THE PRESIDENT

President Heck: "It is a discretionary authority Senator."

(April 24, 2021)

Must vote from within the bar of the Senate[27]

POINT OF ORDER

Senator Padden: "Thank you Mr. President., Mr. President, I can't tell, my hearing isn't perfect, but it seems to me some of the voice votes may be coming from off the floor. And I just would ask that you remind folks that only members of the Senate can vote. Thank you."

REPLY BY THE PRESIDENT

President Heck: "Senator Padden, the President did not hear votes coming from off the floor, but your point is well taken. Only members of the senate can vote and in fact they must step in from the wings in order to do so. Please be reminded."

(April 8, 2023)

Remote voting – amendments

PARLIAMENTARY INQUIRY

Senator Sheldon: "Mr. President, thank you. Question: when I see the vote totals for that last amendment it totaled 47. Why does the vote total not total 49? Wouldn't you add in anyone that's absent or excused?"

President Heck: "Senator Sheldon, this is the same thing as a voice vote that would occur on an amendment. And so, if you were sitting on the floor and were not voting, you wouldn't be tabulated as such either. Remember, this is an analog voice voting."

Senator Sheldon: "So, perhaps then, for the first bill, when the amendment did total 49, because that was recorded?"

President Heck: "Because 49 people voted."

Senator Sheldon: "Okay. Alright, thank you."

[27] Senate Rule 22(1) ". . . No senator shall be allowed to vote except when within the bar of the senate. . . . A member of the senate voting remotely is considered in attendance within the bar of the senate if the member is participating in the session through a remote access program established by the secretary of the senate as provided in Senate Rule 70. . . ."

(January 27, 2021)

Must be visible to vote

REMARKS BY THE PRESIDENT

President Heck: "Before we begin, two general purpose announcements. The first of which is Leg-Tech has alerted us that you may need to click refresh in your browser to refresh FAR voting. After refreshing, if you do not see the request to speak button, please click the login button in the top-right of the screen. And of course as always, if you still have an issue with FAR voting, please contact Leg-Tech. Secondly, we had this conversation earlier that we have attempted with outstanding staff support, in the cooperation of almost all of you, to have this hybrid system of in person and remote participation simulate to the highest degree possible the same thing as though you were here. So, I remind you one more time that in order to be able to vote you must be seen. Staff up here can see whether or not you're on camera. You cannot, you are prohibited from voting off camera. If we do not see you, and I am alerted by staff, your vote will not count."

(February 23, 2021)

Roll call may not be interrupted[28]

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Well, the board said we were on second reading, so it was not clear to me exactly which one we were on when we were voting, but never mind, that's okay. We need, we actually do need a button I think, to be able to get a clarification like that."

REPLY BY THE PRESIDENT

President Heck: "A roll call is not interruptible Senator Hasegawa."

(March 5, 2021)

Reconsideration proper method when outcome was incorrect

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Short moved to immediately reconsider the vote by which amendment no. 940 to Second Substitute Senate Bill No. 5155 was declared to have not been adopted.

The President declared the question before the Senate to be the motion by Senator Short that the Senate immediately reconsider the vote by which amendment no. 940 to Second Substitute Senate Bill No. 5155 was not adopted.

The motion by Senator Short for immediate reconsideration carried by voice vote.

The President declared the question before the Senate to be the adoption of amendment no. 940 by Senator Short on page 1, line 17 to Second Substitute Senate Bill No. 5155 on reconsideration.

REMARKS BY THE PRESIDENT

[28] **Senate Rule 22 (3)**. ". . . When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate."

President Heck: "The President reminds the body that this is not an individually recorded vote. Please use the buttons in the FAR voting system and please understand that the President cannot instantaneously see changes in vote at the last nanosecond. Please. The vote is now open. Please vote."

The motion by Senator Short carried and amendment no. 940 was adopted by voice vote on reconsideration.

PARLIAMENTARY INQUIRY

Senator Rolfes: "In the last motion, those of us who were not on the floor did not have an opportunity to vote on whether the amendment should have been reconsidered. And I am wondering if you could tell us what the procedures are for that. It seems inherently unfair, if there are more Democrats on the floor at any time than Republicans, that a floor vote would not always be in the best interest of this body. Thank you."

REPLY BY THE PRESIDENT

President Heck: "Senator Rolfes, thank you very much for your point of inquiry. The President would like to inform the body that it was apparent too late on the initial roll call for the President to stop his gavel in motion. But that the vote had changed. And that there was a majority vote in favor of the amendment. And as a consequence, requested a vote for reconsideration. Heretofore going forward we will use the FAR [Floor Activity Report] voting system for that to ensure that the circumstance that was presented with us today does not repeat itself. But I do, the President wants you to know, that this sequence of events was done after consultation with Leadership."

(January 19, 2022)

Individual member may not correct vote once vote is announced.[29]

POINT OF ORDER

Senator Salomon: "I wanted to point out that I made a mistake in my prior vote, but that vote has been closed, but I wanted to put it on the record."

President Heck: "Not possible sir."

(February 25, 2022)

[29] Rule 22: ". . . No senator shall be allowed to . . . change a vote after the result has been announced." While members have often been allowed to provide a short correction statement in the journal, Senate Rules did not provide for it , Senate Rule 22(2) only at the time of this ruling. Senate Rule 22 was amended in 2023 to allow a statement in the journal if a member inadvertently votes contrary to the member's intent

APPENDIX – Summary of Senate Motions

	SUMMARY OF SENATE PARLIAMENTARY MOTIONS						
	Motion	**Rules**	**Debatable?**	**Amendable?**	**Second?**	**Vote Needed***	**Notes**
PRIVILEGED	Adjourn	Rule 21, 38; Reed's 168, 169, 198, 201, 176	No	No	None	Majority of those present.	In the absence of another time, convening time is 10 am (Rule 15). Always in order unless under Call of the Senate or in a roll call vote.
	Recess/Go at Ease	Rule 21; Reed's 168, 174, 198, 201	No	No	None	Majority of those present.	Cannot amend, but can defeat and propose different time in new motion.
	Reconsider	Rule 21, 37; Reed's 202-11	No	No	Maker on prevailing side	Majority of those present.	Special timing rules for when the underlying matter may be brought up.
	Call of the Senate	Rule 21, 24	No	No	2 others (3 total)	Majority of those present.	Can be made even in a roll call vote.
	Roll Call	Rule 21-22, 39	No	No	1/6 of those present (usually, 9)	Sustained by 1/6 present.	Cannot be interrupted except for a Call of the Senate.
	Question of Privilege	Rule 21, 33; Reed's 168, 178-80, 198	No	No	None	Any Senator may rise.	These are points of personal privilege.
	Orders of the Day	Rule 17, 21	No	No	None	Majority of those present.	Go in order from 1-9, unless other motion.
INCIDENTAL	Point of Order	Rule 1, 21, 32; Reed's 181-86, 199	Yes	No	None	Decision of the President.	One argument typically allowed for each side.
	Appealing Ruling	Rule 1, 21, 32; Reed's 185	Yes	No	None	Majority of those present.	Each member may only speak once.
	Suspend the Rules	Rule 21, 35; Reed's 181, 189-92, 199	No, except for maker and rebuttal	No	None	2/3 of those present.	Special rules for 2nd and 3rd reading near cutoff/*Sine Die* (need simple majority).
	Reading Papers	Rule 21, 27; Reed's 187-88, 199	No	Yes	None	Majority of those present.	Practice is to allow reading unless there is an objection.
	Withdraw a Motion	Rule 20, 21; Reed's 181, 189, 190, 199	No	No	None	Majority of those present.	Practice is to allow withdrawal unless there is an objection.
	Division of a Question	Rule 21, 31; Reed's 181, 151-53, 193, 199	No	No	None	Any Senator may demand.	Only parts which may function independently may be divided.
SUBSIDIARY	Lay on the Table (1st Rank)	Rule 21; Reed's 197	No	No	None	Majority of those present.	Does not carry the main question unless so specified.
	Demand the Previous Question (2nd Rank)	Rule 21, 36; Reed's 123-27, 197, 201, 268, 269	No	No	2 others (3 total)	Majority of those present.	Ends debate immediately, except maker may close debate.

SUMMARY OF SENATE PARLIAMENTARY MOTIONS

	Motion	Rules	Debatable?	Amendable?	Second?	Vote Needed*	Notes
SUBSIDIARY	Postpone to a Day Certain (3rd Rank)	Rule 21; Reed's 118, 197, 201, 256	Yes	Yes	None	Majority of those present.	Once motion is decided, cannot bring this motion again on the same day at the same stage of the proceedings.
SUBSIDIARY	Commit or Recommit (3rd Rank)	Rule 21, 68; Reed's 119, 120, 197, 201	Yes	Yes	None	Majority of those present.	Once motion is decided, cannot bring this motion again on the same day at the same stage of the proceedings.
SUBSIDIARY	Postpone Indefinitely (3rd Rank)	Rule 21; Reed's 121-22, 197, 201	Yes	No	None	Majority of those present.	Once motion is decided, cannot bring this motion again on the same day at the same stage of the proceedings. *Question postponed indefinitely cannot be raised again all Session.*
SUBSIDIARY	Amend (4thRank)	Rule 21; Reed's 129-61, 197	Yes	Yes	None	Majority of those present.	Limited to amendments in the second degree.
MISCELLANEOUS	Special Order of Business	Rule 18	Yes	Yes	None	Majority of those present.	Senate may complete prior business afterwards.
MISCELLANEOUS	Recall a Bill from Committee	Rule 48	Yes	Yes	None	Majority of total membership.	Need to be in the Ninth Order.
MISCELLANEOUS	Division (vote)	Reed's 231	No	No	None	Any member may demand.	Also known as a Rising Vote.
MISCELLANEOUS	Motions in relation to other motions (priority/ propriety)	Reed's 200, 201	No	No	None	Any member or the President may question.	Necessarily takes precedence of all other motions, except point of order.

* Rule 54: "'Majority' shall mean a majority of those present unless otherwise stated."

Reed's Rule 198 – Privileged Questions: "Privileged questions are those which arise out of the needs of the assembly as a deliberative body. They have precedence over the main question, and over all subsidiary questions, because they concern the whole body and are essential to its needs."

Reed's Rule 199 – Incidental Questions: "Incidental questions are those which arise out of the needs of the orderly conduct of such business as comes before the assembly, whether it relates to the main question or to the privileged questions."

Reed's Rule 197 – Subsidiary Motions: "Subsidiary motions are those which directly concern the main question, and relate to the progress of that particular piece of business. They are of different rank, by which it is meant that some have precedence over the others...Those of superior rank precede those of inferior rank; those of the same rank have no precedence over each other."